

November 14, 2005

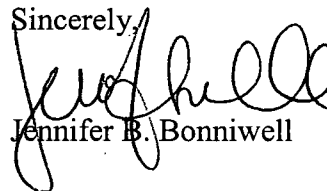
**VIA FEDERAL EXPRESS**

Bonnie Pugh-Winkler, Esquire  
United States Environmental Protection Agency  
Region III  
Site Remediation Branch #4 (3RC44)  
1650 Arch Street  
Philadelphia, PA 19103

**Re: Required Submission of Information  
Lower Darby Creek Area Superfund Site**

Dear Ms. Pugh-Winkler:

This is in response to your Information Request received August 9, 2005, directed to Waste Management, Inc. ("Waste Management") with respect to the above-captioned matter. I am enclosing Waste Management's response along with responsive documents.

Sincerely,  
  
Jennifer B. Bonniwell

Enclosure

**RESPONSE OF WASTE MANAGEMENT, INC. TO USEPA REQUEST FOR  
INFORMATION PURSUANT TO CERCLA SECTION 104(e)  
RE: LOWER DARBY CREEK AREA SUPERFUND SITE**

*For Waste Management of Delaware related to Harvey and Harvey, Inc. ("Harvey & Harvey")*

1. *Please provide any and all information and records regarding your purchase or acquisition of, or merger with Harvey & Harvey, or the purchase or acquisition of, or merger with Harvey and Harvey by your subsidiaries.*
  - a. *The purpose of the purchase, acquisition, or merger;*
  - b. *The date of the sale;*
  - c. *The sale price;*
  - d. *A list of the equipment, buildings, and other business capital that was included in the sale, acquisition, or merger;*
  - e. *A list of all waste transportation contracts included or referenced in the purchase or merger agreement;*
  - f. *A list of all the agreements and/or contracts included or referenced in the purchase or merger agreement; and*
  - g. *The names, title, addresses and phone numbers of any of your employees or representatives that may have knowledge of the purchase or merger agreement and its terms.*

**Response to Request No. 1:**

These 104(e) requests were addressed to "Waste Management, Inc." Waste Management Inc. is not the proper respondent to these requests in that Waste Management, Inc. is not the successor-in-interest to any of the entities that are the subject of these requests. The answers provided below are made on behalf of the related entity, if any, that is the successor-in-interest to the entities in question. For simplicity sake, these entities are collectively referred to herein as "Waste Management."

Respondents have undertaken extensive, good faith investigative efforts to develop responses to USEPA's requests, including thorough reviews of all responsive documents that have been located. However, because USEPA's requests seek information about activities predating Waste Management's relationship with the entities that are the subject of this inquiry, the available information is incomplete. Subject to the foregoing, Waste Management hereby responds to Question No. 1, including subparts a through g, as follows:

Harvey & Harvey was incorporated in 1966 with E. Thomas Harvey, III, as the sole shareholder. USA Waste Services, Inc. acquired Harvey & Harvey in a stock purchase in May 30, 1997 and immediately merged the company into USA Waste of Delaware, Inc. The

sale price was \$54 million in USA Waste stock and assumption of \$13,571,000 in debt. In 1998, USA Waste of Delaware, Inc. merged into Waste Management of Delaware, Inc.

The following employees or representatives may have knowledge of the purchase or merger agreement and its terms: Steven M. Berry, Vice President of Business Development, Waste Management, Inc., 448 Lincoln Highway, Fairless Hills, Pa., 215-269-2145.

See also documents enclosed bearing bates labels WM10168 through WM10212 which consist of lists of equipment, buildings and other business capital that was included in the sale, acquisition or merger.

Waste Management has been unable to locate other responsive information. Waste Management's investigation is continuing, however, and Waste Management reserves the right to supplement its response to the extent that responsive information and/or documents become available.

2. *List and provide the following information regarding former Harvey and Harvey employees:*
  - a. *The names and dates of employment of each of those employees;*
  - b. *The job title and responsibilities of each of those employees; and*
  - c. *The current addresses and phone numbers of each of those employees.*

**Response to Request No. 2:**

Please see attached spreadsheet identifying the names, titles and current addresses of former Harvey & Harvey employees, if known. In addition, E. Thomas Harvey, III, was an employee and/or shareholder at the time of the acquisition.

3. *List and provide all records regarding the waste types and quantities transported by Harvey & Harvey or its successors to Clearview, Folcroft, and/or Folcroft Annex.*

**Response to Request No. 3:**

Waste Management has been unable to locate any records suggesting that Harvey & Harvey transported waste to Clearview, Folcroft and/or Folcroft Annex. Waste Management's investigation is continuing, and Waste Management reserves the right to supplement its response to the extent that responsive information and/or documents become available.

4. *List and provide all records regarding the customers serviced by Harvey & Harvey or its successors that may have been transported to Clearview, Folcroft, and/or Folcroft Annex. For each of these customers, include the following information.*

- a. *The names, addresses and business types of each customer;*
- b. *The types and quantities of waste materials generated by each customer;*
- c. *How and where the waste materials were collected from each customer; and*
- d. *The services in addition to waste pickup and transportation, provided by you to each of these customers.*

**Response to Request No. 4:**

Since Waste Management has not records suggesting that Harvey & Harvey used Clearview, Folcroft and/or Folcroft Annex as a disposal location, Waste Management has not located any documents regarding customers serviced by Harvey & Harvey whose waste may have been transported to Clearview, Folcroft and/or Folcroft Annex. Waste Management's investigation is continuing, and Waste Management reserves the right to supplement its response to the extent that responsive information and/or documents become available.

- 5. *Please describe in detail the document and record retention policies of Harvey & Harvey, Waste Management, and any other company or entity, including any intermediary owner, which purchased, acquired, or merged with Harvey & Harvey.*

**Response to Request No. 5:**

Waste Management has not located any records describing the document and record retention policies of Harvey & Harvey. Waste Management's records retention policies are available for review upon request.

**For Waste Management of Pennsylvania, Inc. regarding Schiavo Brothers, Inc. ("Schiavo")**

- 6. *Please provide any and all information and records regarding your purchase or acquisition of, or merger with Schiavo, or the purchase, acquisition of, or merger with Schiavo by any of your subsidiaries.*
  - a. *The purpose of the purchase, acquisition, or merger;*
  - b. *The date of the sale;*
  - c. *The sale price;*
  - d. *A list of the equipment, buildings, and other business capital that was included in the sale, acquisition, or merger;*
  - e. *A list of all waste transportation contracts included or referenced in the purchase or merger agreement;*

- f. *A list of all the agreements and/or contracts included or referenced in the purchase or merger agreement; and*
- g. *The names, title, addresses and phone numbers of any of your employees or representatives that may have knowledge of the purchase or merger agreement and its terms.*

**Response to Request No. 6:**

Schiavo was incorporated in Pennsylvania in 1968. Waste Management acquired Schiavo in a stock purchase on April 21, 1972. The sale price was 13,000 shares of Waste Management. Schiavo merged into Waste Management of Pennsylvania, Inc. in 1980.

See also documents enclosed bearing bates labels WM10000 through WM10062, which consist of customer agreements.

The following equipment was included in the acquisition:

UNIT NO.	YEAR	MAKE	MODEL	SERIAL NUMBER	PA. LICENSE NUMBER
LP1	1969	White	1500DV	714311	CD34367
LP2	1968	White	1500	701960	CD33921
LP3	1969	White	1500DV	714310	CD34366
LP4	1969	White	1500DV	714312	CD34365
LP5	1969	White	1500DV	714313	CD34364
LP6	1969	White	1500	701961	CG38088
LP7	1968	White	1500	701962	CD33917
LP8	1966	Ford	C1000	33515	CD34363
LP9	1966	Ford	C1000	33514	CD34361
LP10	1966	Ford	C1000	33516	CD34361
LP11	1969	White	1500DV	715827	CJ50558
L3	1962	Ford	C1000	311425	CD33981
L9	1966	Ford	C1000	723069	CL57844
L10	1972	Ford	R805	14289	CB69111
L11	1972	Ford	R805	14290	CB69110
L12	1972	Ford	R805	14288	CB89311
L13	1972	Ford	R805	14284	CP17603
L14	1972	Ford	R805	14291	CD33916
DD6	1962	Ford	G1000	293386	CD33980
DD9	1972	Ford	R805	10179	CD33920
DD10	1972	Ford	R805	10180	CD33915

UNIT NO.	YEAR	MAKE	MODEL	SERIAL NUMBER	PA. LICENSE NUMBER
R1	1969	White	1564DV	720188	CJ50559
R2	1969	Whit	1500DV	715828	CJ51373
R3	1971	White	1500DV	740354	CM18174
R4	1971	White	1500DV	740298	CM17701
WT1	1961	White	4200T	621410	CS27664
WT2	1961	White	4200T	621408	CD34546
WT4	1961	White	4200T	621409	CH 406
1	1968	Ford	F350	42764	CH 5712
2	1968	Ford	F600	42675	CH 1151
3	1951	Ford	-	12692	CH76713
4	1968	Ford	F600	42676	CB61152
5	1967	IHC	R192A	61500	0378168
6	1967	IHC	R192A	61495	0376336
T1		Fruehaut	Y522	45529	TC 882
T2		Fruehaut	Y522	45531	TC4613
T3		Fruehaut	Y522	45530	TC 4612
T4		Kingham	R-4	20913	TC61611
T7		Kingham	118CHD	26989	TD21956
T8		Kingham	118CHD	26992	TD21957
T9		Kingham	118CHD	26991	TC61609
T10		Kingham	118CHD	26990	TD21955
T11		Fruehaut	-	74606	TD11704
T12		Fruehaut	-	49542	TD11702
T13		Fruehaut	-	55134	TC-1619
T14		Fruehaut	-	55135	TF-1612
T15	1962	Steco	-	4562447	TE 0461

NUMBER AND SIZE OF CONTAINERS		
SIZE	TYPE	QUANTITY
10 Cubic Yard	Closed Dumpster	24
6 Cubic Yard	Open Dumpster	19
6 Cubic Yard	Dumpster Sludge	6

10 Cubic Yard	Closed Lugger	56
10 Cubic Yard	Open Lugger	67
4 Cubic Yard	Open Lugger	10
12 Cubic Yard	Lugger Composition	12
2 Cubic Yard	Open Lugger	13
20 Cubic Yard	Open Roll-Off	2
10 Cubic Yard	Open Roll-Off	18
40 Cubic Yard	Open Roll-Off	2
10 Cubic Yard	Roll-Off Compactor	2
40 Cubic Yard	Roll-Off Compactor	34
1 Cubic Yard	Type	34
2 Cubic Yard	Regular	12
2 Cubic Yard	Regular	32
3 Cubic Yard	Roll-Off	2

Waste Management has been unable to locate other responsive information. Waste Management's investigation is continuing, and Waste Management reserves the right to supplement its response to the extent that responsive information and/or documents become available.

7. *List and provide the following information regarding former Schiavo employees:*
- a. *The names and dates of employment of each of those employees;*
  - b. *The job title and responsibilities of each of those employees; and*
  - c. *The current addresses and phone numbers of each of those employees.*

**Response to Request No. 7:**

Please see attached spreadsheet identifying the names, titles and current addresses of former Schiavo employees, if known. In addition, John R. Lamb and Richard C. Larson were shareholders of Schiavo at the time of the acquisition.

8. *List and provide all records regarding the waste types and quantities transported by Schiavo or its successors to Clearview, Folcroft, and/or Folcroft Annex.*

**Response to Request No. 8:**

To date, Waste Management has been unable to locate any records indicating that Schiavo transported waste to Clearview, Folcroft and/or Folcroft Annex. By way of further answer, Waste Management incorporates its response to Request No. 9 below. Waste Management's investigation is continuing, and Waste Management reserves the right to supplement its response to the extent that responsive information and/or documents become available.

9. *List and provide all records regarding the customers serviced by Schiavo or its successors that may have been transported to Clearview, Folcroft, and/or Folcroft Annex. For each of these customers, include the following information.*
  - a. *The names, addresses and business types of each customer;*
  - b. *The types and quantities of waste materials generated by each customer;*
  - c. *How and where the waste materials were collected from each customer; and*
  - d. *The services in addition to waste pickup and transportation, provided by you to each of these customers.*

**Response to Request No. 9:**

See documents provided in response to Request No. 6 and enclosed bearing bates labels WM10000 through WM10062, which consist of customer accounts, invoices, pickup tickets and related materials identifying customers for which Schiavo hauled waste.

These documents, however, do not identify a disposal location.

10. *Please describe in detail the document and record retention policies of Schiavo, Waste Management of Pennsylvania, and any other company or entity, including any intermediary owner, which purchased, acquired, or merged with Schiavo.*

**Response to Request No. 10:**

Waste Management has not located any records describing the document and record retention policies of Schiavo. Waste Management's records retention policies are available for review upon request.

**For Waste Management of Pennsylvania, Inc. regarding Nu Way Trash Removal Corp. ("Nu Way")**

11. *Please provide any and all information and records regarding your purchase or acquisition of, or merger with Nu Way, or the purchase, acquisition of, or merger with Nu Way by any of your subsidiaries.*



- a. *The purpose of the purchase, acquisition, or merger;*
- b. *The date of the sale;*
- c. *The sale price;*
- d. *A list of the equipment, buildings, and other business capital that was included in the sale, acquisition, or merger;*
- e. *A list of all waste transportation contracts included or referenced in the purchase or merger agreement;*
- f. *A list of all the agreements and/or contracts included or referenced in the purchase or merger agreement; and*
- g. *The names, title, addresses and phone numbers of any of your employees or representatives that may have knowledge of the purchase or merger agreement and its terms.*

**Response to Request No. 11:**

Nu Way was incorporated in 1965. Waste Management acquired Nu Way in a stock purchase on August 17, 1987. The stock was immediately transferred to Waste Management of Pennsylvania, Inc. The sale price was approximately \$5.1 million. Nu Way merged into Waste Management of Pennsylvania, Inc. in 1994.

Real property included in the purchase or merger agreement included the following:

- 420 Oak Lane, Upper Darby Township, Delaware County, Pa.
- Property on Southwest side of Oak Lane, Upper Darby Township, Delaware County, Pa.
- Lot 2, Oak Lane, Upper Darby Township, Delaware County, Pa.

Equipment that was included in the sale, acquisition or merger included the following:

1985 Ford F250 pickup	1979 Mack DM
1985 Ford F8000	1979 Mack DM
1984 Ford F350	1985 Mack DM
1976 International	1985 Mack DM
1974 GMC (Heil lugger)	1980 Mack DM
1975 Ford	1982 White
1984 Ford F350	1983 Mack MR
1973 Mack DM (Heil lugger)	1984 Mack MR
1981 Mack DM	1987 Mack MR

1972 Ford 4500 (back-hoe)		DS 25yd	11
1985 Dempster DTT-65		DS 30yd	52
1985 Dempster DTT-65		DS 30yd	3
1985 Dempster DTT-65		DS 40yd	3
Rear Loader Cont.		DS 40yd PK.	30
RL 1yd	25	DS 45 yd po. PK.	5
R1 1 1/2 yd	57	Compactors	
RL 2yd	118	Dempster TP 11	
Front Loader Cont.		Dempster TP 11	
FL 1-1/3yd	116	Dempster 42-50	
FL 2yd	125	Dempster 42-50	
FL 3yd	74	Dempster 42-50	
FL 4yd	135	E-Z Pack 2.3	
FL 5yd	37	Dempster 42-50	
FL 6yd	232	Galibrath 3 yard	
FL 8yd	35	K-Pac 1 1/2 yard	
Open Top		Dempster 42-50	
8yd	1	Dumpster 42-50	
10yd	35	Ram Jet 3 Yard	
DS 20yd	24	Philadelphia Traimrail 1 1/2 Yard	

Waste Management has been unable to locate other responsive information. Waste Management's investigation is continuing, and Waste Management reserves the right to supplement its response to the extent that responsive information and/or documents become available.

12. *List and provide the following information regarding former Nu Way employees:*
- a. *The names and dates of employment of each of those employees;*
  - b. *The job title and responsibilities of each of those employees; and*
  - c. *The current addresses and phone numbers of each of those employees.*

**Response to Request No. 12:**

Please see attached spreadsheet identifying the names, titles and current addresses of former Nu Way employees, if known. In addition, Philip P. Weaverling and Richard L. Meade were shareholders at the time of the acquisition.

13. *List and provide all records regarding the waste types and quantities transported by Nu Way or its successors to Clearview, Folcroft, and/or Folcroft Annex.*

**Response to Request No. 13:**

To date, Waste Management has been unable to locate any records indicating that Nu Way transported waste to Clearview, Folcroft and/or Folcroft Annex. Waste Management's investigation is continuing, and Waste Management reserves the right to supplement its response to the extent that responsive information and/or documents become available.

14. *List and provide all records regarding the customers serviced by Nu Way or its successors that may have been transported to Clearview, Folcroft, and/or Folcroft Annex. For each of these customers, include the following information.*
- a. *The names, addresses and business types of each customer;*
  - b. *The types and quantities of waste materials generated by each customer;*
  - c. *How and where the waste materials were collected from each customer; and*
  - d. *The services in addition to waste pickup and transportation, provided by you to each of these customers.*

**Response to Request No. 14:**

Since Waste Management has not records suggesting that Nu-Way used Clearview, Folcroft and/or Folcroft Annex as a disposal location, Waste Management has not located any documents regarding customers serviced by Nu Way whose waste may have been transported to Clearview, Folcroft and/or Folcroft Annex. Waste Management's investigation is continuing, and Waste Management reserves the right to supplement its response to the extent that responsive information and/or documents become available.

15. *Please describe in detail the document and record retention policies of Nu Way, Waste Management of Pennsylvania, and any other company or entity, including any intermediary owner, which purchased, acquired, or merged with Nu Way.*

**Response to Request No. 15:**

Waste Management has not located any records describing the document and record retention policies of Nu Way. Waste Management's records retention policies are available for review upon request.

For Waste Management of Pennsylvania, Inc., regarding Northeast Disposal, Inc. ("NDI")

16. *Please provide any and all information and records regarding your purchase or acquisition of, or merger with NDI, or the purchase, acquisition of, or merger with NDI by any of your subsidiaries.*
  - a. *The purpose of the purchase, acquisition, or merger;*
  - b. *The date of the sale;*
  - c. *The sale price;*
  - d. *A list of the equipment, buildings, and other business capital that was included in the sale, acquisition, or merger;*
  - e. *A list of all waste transportation contracts included or referenced in the purchase or merger agreement;*
  - f. *A list of all the agreements and/or contracts included or referenced in the purchase or merger agreement; and*
  - g. *The names, title, addresses and phone numbers of any of your employees or representatives that may have knowledge of the purchase or merger agreement and its terms.*

**Response to Request No. 16:**

NDI was created in 1965 as the merger of two sole proprietorships. Waste Management acquired NDI in a stock purchase on May 31, 1990. The sale price was approximately \$13 million.

See documents enclosed bearing bates labels WM10063 through WM10167, which consist of customer agreements included or referenced in the purchase or merger agreement.

Waste Management has not located any information about the equipment, buildings and other business capital that was included in the sale, acquisition or merger.

The following Waste Management employee may have knowledge of the purchase or merger agreement and its terms: Richard F. Vile, Jr., New Jersey Market Area Vice President, 107 Silvia Street, Ewing N.J., 08628, 609-434-5632.

17. *List and provide the following information regarding former NDI employees:*

- a. *The names and dates of employment of each of those employees;*
- b. *The job title and responsibilities of each of those employees; and*
- c. *The current addresses and phone numbers of each of those employees.*

**Response to Request No. 17:**

Please see attached spreadsheet identifying the names, titles and current addresses of former NDI employees, if known. In addition, Richard F. Vile, Jr., Richard F. Vile, Sr. (deceased), Barbara Vile, John H. Transue, Jr., and Loretta Transue were shareholders at the time of the acquisition.

- 18. *List and provide all records regarding the waste types and quantities transported by NDI or its successors to Clearview, Folcroft, and/or Folcroft Annex.*

**Response to Request No. 18:**

To date, Waste Management has not located any records indicating that NDI transported waste to Clearview, Folcroft and/or Folcroft Annex. Waste Management's investigation is continuing, and Waste Management reserves the right to supplement its response to the extent that responsive information and/or documents become available.

- 19. *List and provide all records regarding the customers serviced by NDI or its successors that may have been transported to Clearview, Folcroft, and/or Folcroft Annex. For each of these customers, include the following information.*
  - a. *The names, addresses and business types of each customer;*
  - b. *The types and quantities of waste materials generated by each customer;*
  - c. *How and where the waste materials were collected from each customer; and*
  - d. *The services in addition to waste pickup and transportation, provided by you to each of these customers.*

**Response to Request No. 19:**

See WM10063 through WM10167 provided in response to Request No. 16, which consist of customer account agreements identifying customers for which NDI hauled waste.

These documents, however, do not identify a disposal location.

20. *Please describe in detail the document and record retention policies of NDI, Waste Management of Pennsylvania, and any other company or entity, including any intermediary owner, which purchased, acquired, or merged with NDI.*

**Response to Request No. 20:**

Waste Management has not located any records describing the document and record retention policies of NDI. Waste Management's records retention policies are available for review upon request.